

FILED
JOHN P. HEHMAN
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2013 MAY 21 PM 12:30

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

Dorain King, et al.,

Plaintiffs,

v.

Case No. 2:12-cv-1029

CitiMortgage, Inc., et al.,

Judge Michael H. Watson

Defendants.

ORDER

Plaintiffs bring this action for alleged violations of federal and state law in connection with a state court foreclosure action. Three matters in this case require action.

First, the Magistrate Judge issued a report and recommendation on April 24, 2013 in which she recommended that the Court dismiss Plaintiffs' claims against Defendant ABN Amro Mortgage without prejudice for failure to timely serve that Defendant as required under Federal Rule of Civil Procedure 4(m) and failure to establish good cause for an extension of time to do so. ECF No. 11. The Magistrate Judge expressly informed Plaintiffs of the procedure on objections and the consequences of failing to object. Nonetheless, Plaintiffs have, to date, not filed any objections to the report and recommendation, and the deadline for doing so has passed. Accordingly, the Court **ADOPTS** the Magistrate Judge's April 24, 2013 report and recommendation in its entirety and **DISMISSES**

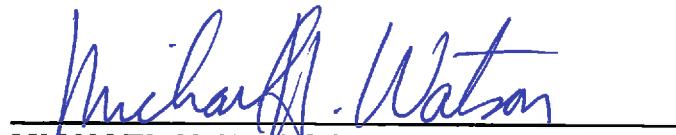
**Plaintiffs' claims against Defendant ABN Amro Mortgage WITHOUT
PREJUDICE.**

Second, on January 16, 2013, Defendant Lerner, Sampson & Rothfuss ("LSR") filed a motion to dismiss Plaintiffs' claims against it. ECF No. 3. Plaintiff has, to date, not filed any response to LSR's motion to dismiss, and the deadline for doing so has long since passed.

Third, on March 4, 2013, Defendant CitiMortgage, Inc. filed a motion to dismiss Plaintiffs' claims against it. In a similar manner, Plaintiff has, to date, not filed any response to CitiMortgage Inc.'s motion to dismiss, and the deadline for doing so has long since passed.

Plaintiffs shall by **June 4, 2013**, show cause in writing, filed with the Court and served on Defendants LSR and CitiMortgage, Inc., why this lawsuit should not be dismissed for failure to prosecute or for the grounds set forth in those Defendants' motions to dismiss. Failure to comply with this Order will result in the dismissal of this action for failure to prosecute.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT